

105TH CONGRESS
2D SESSION

H. R. 8

IN THE SENATE OF THE UNITED STATES

JULY 21, 1998

Received; read twice and referred to the Committee on Environment and
Public Works

AN ACT

To amend the Clean Air Act to deny entry into the United States of certain foreign motor vehicles that do not comply with State laws governing motor vehicle emissions, and for other purposes.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Border Smog Reduc-
3 tion Act of 1998”.

4 **SEC. 2. AMENDMENT OF CLEAN AIR ACT.**

5 Section 183 of the Clean Air Act (42 U.S.C. 7511b)
6 is amended by adding the following new subsection at the
7 end:

8 “(h) VEHICLES ENTERING OZONE NONATTAINMENT
9 AREAS.—

10 “(1) AUTHORITY REGARDING OZONE INSPEC-
11 TION AND MAINTENANCE TESTING.—No non-
12 commercial motor vehicle registered in a foreign
13 country and operated by a United States citizen or
14 by an alien who is a permanent resident of the
15 United States, or who holds a valid visa for purposes
16 of employment or educational study in the United
17 States, may enter a serious, severe, or extreme ozone
18 nonattainment area from a foreign country border-
19 ing the United States and contiguous to such non-
20 attainment area more than twice in a single 12-
21 month period, if State law has requirements for the
22 inspection and maintenance of such vehicles under
23 the applicable implementation plan in the nonattain-
24 ment area. The preceding sentence shall not apply if
25 the operator presents documentation at the United
26 States border entry point establishing that the vehi-

1 cle has complied with such requirements that are in
2 effect and are applicable to motor vehicles of the
3 same type and model year.

4 “(2) SANCTIONS FOR VIOLATIONS.—The Presi-
5 dent of the United States may impose and collect
6 from the operator of any motor vehicle who violates,
7 or attempts to violate, paragraph (1) a civil penalty
8 of not more than \$200, except that in any case of
9 repeated violations or attempted violations such pen-
10 alty may not exceed \$400.

11 “(3) STATE ELECTION.—The prohibition set
12 forth in paragraph (1) shall not apply in any State
13 which elects to be exempt from the prohibition. Such
14 election shall take effect upon the President’s receipt
15 of written notice from the Governor of the State no-
16 tifying the President of such election.

17 “(4) STATE ELECTION FOR OTHER NONATTAIN-
18 MENT AREAS.—

19 “(A) IN GENERAL.—In the case of a State
20 that is contiguous with a foreign country and
21 that contains an ozone nonattainment area
22 (other than an ozone nonattainment area to
23 which paragraph (1) applies), such State may
24 elect for the prohibition described in such para-
25 graph to apply in the State, or may elect to es-

1 tablish in accordance with subparagraph (B) an
2 alternative approach to facilitate the compli-
3 ance, by motor vehicles registered in foreign
4 countries and entering such nonattainment
5 area, with the motor vehicle inspection and
6 maintenance requirements in effect under the
7 applicable implementation plan in the non-
8 attainment area and applicable to motor vehi-
9 cles of the same type and model year.

10 “(B) ALTERNATIVE APPROACH.—An alter-
11 native approach by a State under subparagraph
12 (A) is established in accordance with this sub-
13 paragraph if the Governor of the State submits
14 to the President a written description of such
15 approach and the President approves the ap-
16 proach as facilitating compliance for purposes
17 of such subparagraph.

18 “(C) EFFECTIVE DATE REGARDING STATE
19 ELECTION.—If a State makes an election under
20 subparagraph (A) for an alternative approach,
21 the alternative approach takes effect in the
22 State one year after the date on which the
23 President approves the approach. If the State
24 makes the other election under such subpara-
25 graph, the prohibition described in paragraph

1 (1) takes effect in the State 180 days after the
2 President's receipt of written notice from the
3 Governor of the State notifying the President of
4 such election.

5 “(5) ALTERNATIVE APPROACH REGARDING SE-
6 RIOUS, SEVERE, AND EXTREME AREAS.—In the case
7 of a State containing an ozone nonattainment area
8 to which paragraph (1) applies, paragraph (4) ap-
9 plies to the State to the same extent and in the
10 same manner as such paragraph applies to States
11 described in such paragraph, subject to paragraph
12 (3).

13 “(6) DEFINITION.—For purposes of this sec-
14 tion, a serious, severe, or extreme ozone nonattain-
15 ment area is a Serious Area, a Severe Area, or an
16 Extreme Area as classified under section 181, re-
17 spectively, other than any such area first classified
18 under such section after the date of the enactment
19 of the Border Smog Reduction Act of 1998.”.

20 **SEC. 3. GENERAL PROVISIONS.**

21 (a) IN GENERAL.—The amendment made by section
22 2 takes effect 180 days after the date of the enactment
23 of this Act. Nothing in such amendment shall be construed
24 to require action that is inconsistent with the obligations
25 of the United States under any international agreement.

1 (b) INFORMATION.—As promptly as practicable fol-
2 lowing the enactment of this Act, the appropriate agency
3 of the United States shall distribute information to pub-
4 licize the prohibition set forth in the amendment made by
5 section 2 and its effective date.

6 **SEC. 4. STUDY BY GENERAL ACCOUNTING OFFICE.**

7 (a) IN GENERAL.—The Comptroller General of the
8 United States shall conduct a study of the impact of the
9 amendment made by this Act, as described in subsection
10 (b).

11 (b) CONTENTS OF STUDY.—The study under sub-
12 section (a) shall compare the potential impact of the
13 amendment made by this Act on air quality in ozone non-
14 attainment areas affected by such amendment with the
15 impact on air quality in the same areas caused by the in-
16 crease in vehicles engaged in commerce operating in the
17 United States and registered in, or operated from, Mexico,
18 as a result of the implementation of the North American
19 Free Trade Agreement.

20 (c) REPORT.—Not later than July 1, 1999, the
21 Comptroller General of the United States shall submit to
22 the Committee on Commerce of the House of Representa-
23 tives, and the Committee on Environment and Public

- 1 Works of the Senate, a report describing the findings of
- 2 the study under subsection (a).

Passed the House of Representatives July 20, 1998.

Attest:

ROBIN H. CARLE,
Clerk.